REMARKS/ARGUMENTS

These remarks are made in response to the Final Office Action of November 30, 2007 (Office Action). The response is timely filed within the 3 month shortened statutory period, and, as such, no fee is believed due. However, the Office is expressly authorized to charge any deficiencies or credit any overpayments to Deposit Account 50-0951.

Claims Rejections – 35 USC § 103

In the Office Action, Claims 1, 2, 5-9, 11-15, and 18-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0052935 to Paxhia et al. (hereinafter Paxhia) in view of U.S. Patent Publication No. 2003/0055863 to Spiegel et al. (hereinafter Spiegel). Claims 4, 10, and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Paxhia in view of Spiegel and further in view of U.S. Patent No. 5,778,387 to Wilkerson (hereinafter Wilkerson).

Although Applicants respectfully disagree with the claim rejections, Applicants have amended the claims so as to expedite prosecution of the present application. It is expressly noted, however, that the amendments should not be interpreted as the surrender of any subject matter. Accordingly, Applicants respectfully reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

Applicants have amended independent Claims 1, 9, 14, and 22 to further emphasize certain aspects of the invention. As discussed herein, the claim amendments are fully supported throughout the Specification. No new matter has been introduced by the claim amendments.

Aspects of Applicants' Invention

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by

amended Claim 1, is a method for configuring Transmission Control Protocol/Internet Protocol (TCP/IP) settings on a computer having only a non-graphical user interface for manually manipulating TCP/IP configuration files.

The method can include providing a graphical user interface for configuring the TCP/IP settings including at least one control and integrating the graphical user interface with the non-graphical user interface. See. e.g., Specification, paragraph [0004].

The method also can include accessing data contained within at least one configuration file containing the TCP/IP settings for the computer, displaying the TCP/IP settings based upon the accessed data within the graphical user interface, and altering one or more of the TCP/IP settings within the at least one configuration file responsive to manipulation of the at least one control. See. e.g., Specification, paragraph [0005].

Applicants' Invention Predates the Publication Date of **Spiegel** *and was Commonly Owned by IBM Corporation*

In response to the assertion on pages 2-4 of the Office Action that the evidence submitted with the previous response is insufficient to establish a conception and diligence, Applicants would like to quote the following paragraphs from MPEP 715.07

> *The purpose of filing a [37 CFR 1.]131 affidavit is not to demonstrate prior invention, per se, but merely to antedate the effective date of a reference. See In re Moore, 58 CCPA 1340, 444 F.2d 572, 170 USPQ 260 (1971). Although the test for sufficiency of an affidavit under Rule 131(b) parallels that for determining priority of invention in an interference under* 35 U.S.C. 102(g), *it does not necessarily follow that Rule 131 practice is controlled by interference law. To the contrary, "[t]he parallel to interference practice found in Rule 131(b) should be recognized as one of convenience rather than necessity." Id. at 1353, 444 F.2d at 580, 170 USPQ at 267. Thus, "the 'conception' and 'reduction to practice' which must be established under the rule need not be the same as what is required in the 'interference' sense of those terms." Id.; accord, In re Borkowski, 505 F.2d 713, 718-19, 184 USPQ 29, 33 (CCPA 1974).*
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> *One difference is that in interference practice a reduction to practice requires a proof that a utility was known, whereas under* 37 CFR 1.131 *practice, proof of a utility must be shown only if the reference discloses a*

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*utility. In re Wilkinson, 304 F.2d 673, 134 USPQ 171 (CCPA 1962); In re Moore, 444 F.2d 572, 170 USPQ 260 (CCPA 1971). Where proof of utility is required, whether or not test results are required to establish the utility of the subject matter in question depends on the facts of each case. The ultimate issue is whether the evidence is such that one of ordinary skill in the art would be satisfied to a reasonable certainty that the subject matter necessary to antedate the reference possessed the alleged utility. In re Blake, 358 F.2d 750, 149 USPQ 217 (CCPA 1966). Also, in interference practice, conception, reasonable diligence, and reduction to practice require corroboration, whereas **averments made in a <u>37 CFR 1.131</u> affidavit or declaration do not require corroboration; an applicant may stand on his or her own affidavit or declaration if he or she so elects**. Ex parte Hook, 102 USPQ 130 (Bd. App. 1953).*

Applicants, therefore, request that the declaration under 37 CFR 1.131 be considered and that Spiegel be acknowledged as a prior art reference under 35 USC 102(e).

The Claims Define Over the Cited References

Applicants believe that the rejections under 35 USC 103(a) are moot because Spiegel, which only qualifies as prior art under 35 USC 102(e) and was commonly owned with the present invention at the time the present invention was made, does not preclude the patentability of the present invention. Nonetheless, the following remarks are made in order to facilitate prosecution.

As described in the background of the specification of the instant application, in the zSeries computers manufactured by IBM, the manipulation of TCP/IP settings has traditionally been a manual process, which can often result in the creation of configuration errors. The object of the present invention is to provide a graphical user interface (GUI) that can integrate with the traditional user interface of the zSeries computers in order to establish a consistent and more comprehensive administrative environment.

Paxhia discloses a method and system for serving administration and configuration pages to a web browser. Spiegel discloses a method and apparatus for managing a

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resource in an information handling system in which one or more processes are utilizing the resource. However, neither Paxhia nor Spiegel discloses the concept of integrating a GUI with an existing traditional non-graphical user interface that can only manually manipulate TCP/IP settings.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claims 1, 9, 14, and 22, as amended. Applicants therefore respectfully submit that amended Claims 1, 9, 14, and 22 define over the prior art. Furthermore, as each of the remaining claims dependents from Claim 1, 9, 14, or 22 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claims rejections under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Applicants respectfully requests that the Examiner call the undersigned if it is believed that the above restriction election is incomplete or in any way improper. Applicants also requests that the Examiner call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the above-identified application to an allowance.

Respectfully submitted,

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